

June 20, 1958

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Paul E. Farnum, Acting Commissioner of Education
State House Annex
Concord, New Hampshire

OCT 01 1998

CONCORD, N.H.

Dear Mr. Farnum:

This is in reply to your letter of June 9, 1958 in which you request our interpretation of RSA 189:14-a and 14-b (supp).

RSA 189:14-a (supp) provides as follows:

"Failure to be Renominated or Reelected. Any teacher who has a professional standards certificate from the state board of education and who has taught for one or more years in the same school district shall be notified in writing on or before March 15 if he is not to be renominated or re-elected. Any such teacher who has taught for three or more years in the same school district and who has been so notified may request in writing within five days of receipt of said notice a hearing before the school board and may in said request ask for reasons for failure to be renominated or reelected. The school board, upon receipt of said request, shall provide for a hearing on the request to be held within fifteen days. The school board shall issue its decision in writing within fifteen days of the close of the hearing."

RSA 189:14-b (supp) provides that a teacher aggrieved by a decision of the school board under section 14-a may request a review by the State Board of Education.

You first inquire as to what constitutes a year in determining whether or not a teacher is entitled to notice or hearing within the meaning of section 14-a. We are of the opinion that this means a school year rather than a calendar year. The scholastic year for all school districts ends on June 30th in each year (RSA 194:15). The length of the school year may vary some from district to district, but will be at least thirty-six weeks in duration (RSA 189:1) except in those rare instances where the length of the school year is reduced by the State Board of Education under the provisions of RSA 189:2. Accordingly a teacher is entitled to the notice required by section 14-a if he has taught one or more school years in the same school district, and is entitled to request

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a hearing if he has taught three or more school years in the same school district.

You next inquire as to what extent sick leave and absences due to accident or other causes modify or affect a teacher's right to notice and hearing under section 14-a. It is our opinion that a teacher who remains in the employ of the same school district under either a written or verbal contract of employment through an entire school year is entitled to notice by March 15 if he is not to be renominated or re-elected, irrespective of the duration of his absences or sick leave during the school year. Likewise any teacher who has been employed throughout three or more entire school years is entitled to request a hearing irrespective of the duration of absences or sick leaves during any one or more of the three or more school years.

In brief, it is our interpretation that a teacher has taught "one or more years in the same school district" within the meaning of section 14-a if he has been retained as a member of the staff or faculty for one or more complete school years even though he was not actually in the classroom teaching during each and every day that school was in session.

Very truly yours,

George T. Ray, Jr.
Assistant Attorney General

GTR,Jr/m